

OPERATIONAL LAW

PEACE OFFICERS

Every peace officer of the state, city, county, harbor district, or other political subdivision of the state is empowered to enforce California Boating Law. Such officers have the authority to stop and board any vessel where the peace officer has probable cause to believe that a violation of law exists.

Peace officers are also authorized to order the operator of an unsafe vessel to shore. A vessel can be ordered to the nearest safe moorage if an unsafe condition is found that cannot be corrected on the spot and where, in the judgment of the officer, the continued operation of the vessel would be especially hazardous.

Any vessel approaching, overtaking, being approached, or being overtaken by, a moving law enforcement vessel operating with a siren or an illuminated blue light, or any vessel approaching a stationary law enforcement vessel displaying an illuminated blue light, shall immediately slow to a speed sufficient to maintain steerage only, shall alter its course, within its ability, so as not to inhibit or interfere with the operation of the law enforcement vessel, and shall proceed, unless otherwise directed by the operator of the law enforcement vessel, at the reduced speed until beyond the area of operation of the law enforcement vessel.

TRAILERING

It is against the law to tow a trailered vessel containing a passenger, except when engaged in launching or retrieving a vessel.

STOLEN VESSELS

If a numbered vessel is stolen, the owner or legal owner should notify the local law enforcement agency as soon as possible. The owner shall also notify the local law enforcement agency if the vessel reported stolen is recovered.

COUNTY AND CITY LAWS

In addition to state law, many counties, cities, and districts have special laws or ordinances which restrict activities in certain areas, prohibit certain acts at certain times, or establish additional requirements. These ordinances may regulate speed, set aside certain areas or hours for special purposes and prohibit acts which would be contrary to public interest. Boaters must comply with these local rules as well as with the state laws. Check with your local waterway operator for special laws or ordinances in your area.

AGE RESTRICTIONS

No person under 16 years of age may operate a motorboat of more than 15 horsepower, except for a sailboat that does not exceed 30 feet in length or a dinghy used directly between a moored boat and the shore, or between two moored boats. The law allows persons 12-15 years of age to operate motorboats of more than 15 horsepower or sailboats over 30 feet if supervised on board by a person at least 18 years of age. A violation of these provisions is an infraction.

SPEED

Speed is limited by law for certain conditions and areas. The maximum speed for motorboats within 100 feet of a bather (but not a water skier) and within 200 feet of a bathing beach, swimming float, diving platform or life line, passenger landing being used, or landing where boats are tied up is five miles per hour.

A safe speed should be maintained at all times so that: a) action can be taken to avoid collision and b) the boat can stop within a distance appropriate to the prevailing circumstances and conditions.

In restricted visibility, motorboats should have the engines ready for immediate maneuvering. An operator should be prepared to stop the vessel within the space of half the distance of forward visibility.

RECKLESS OR NEGLIGENT BOAT OPERATION

No person shall operate any vessel or manipulate any water skis, aquaplane, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person. Examples of such operation include, but are not limited to:

1. Riding on the bow, gunwale, or transom of a vessel under way, propelled by machinery, when such position is not protected by railing or other reasonable deterrent to falling overboard; or riding in a position or manner which is obviously dangerous. These provisions shall not apply to a vessel's crew in the act of anchoring, mooring or making fast to a dock or another vessel, or in the necessary management of a sail.
2. Maneuvering towed skiers, or devices, so as to pass the towline over another vessel or its skier.
3. Navigating a vessel, skis, or other devices between a towing vessel and its tow or tows.

4. Operating under the influence of intoxicants or narcotics.

Other actions, such as speeding in confined or restricted areas, “buzzing” or “wetting down” others, or skiing at prohibited times or in restricted areas can also be construed to be reckless or negligent operation.

“Hit and run” - Any person involved in a boating accident resulting in injury, death or disappearance, who is convicted of leaving the scene without furnishing appropriate information to others involved or to any peace officer at the scene and/or rendering any reasonable assistance to any injured person, is liable for a fine of up to \$10,000 or imprisonment for up to one year, or both.

INTOXICATED BOAT OPERATION

Alcohol is a factor in 24 percent of all fatal motorboat accidents in California. State law specifies that:

1. No person shall operate any vessel, water skis or similar device while under the influence of intoxicating liquor or drugs. No person who is addicted to any drug shall operate any vessel, water skis or similar device.
2. No person 21 years of age or older shall operate any vessel, water skis or similar device who has .08% or more, by weight, of alcohol in their blood. A level of at least .05% but less than .08% may be used with other evidence in determining whether the person was under the influence of alcohol. A person under 21 years of age or older who has been arrested for operating a mechanically propelled vessel “under the influence” may be requested to submit to a chemical test to determine blood-alcohol content. Refusal may result in increased penalties upon conviction. A person convicted of intoxicated boat operation could receive up to a \$1,000 fine and six months in jail.
3. No person under 21 years of age may operate a vessel, water skis or similar device who has .01% or more, by weight, of alcohol in their blood. Penalties may include a fine of up to \$250, and participation in an alcohol education or community service program.
4. If you are convicted of operating a vessel while intoxicated, the Department of Motor Vehicles may suspend or revoke your vehicle driver’s license. Depending upon the number and type of vehicle and/or vessel violations accumulated, this suspension/revocation could be for up to 5 years, and result in fines of up to \$1,000.

COURT-ORDERED BOATING EDUCATION

Any person convicted of any moving violation in the Harbors and Navigation Code, the Federal Rules of the Road and regulations adopted by the Department of Boating and Waterways while operating a vessel, shall be ordered by the court to complete and pass a boating safety course approved by the Department of Boating and Waterways.

Proof of completion and passage of the course must be submitted to the court within seven months of the time of the conviction.

PERSONAL WATERCRAFT OPERATION

"Personal watercraft" means a vessel 13 feet in length or less, propelled by machinery, that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel.

Personal watercraft (PWC) are subject to the same laws governing the operation of motorboats of the same size. For proper display of registration numbers and stickers, see the Registration section of this booklet. For more information, see the Department of Boating and Waterways publication, *Safe Boating Hints for Personal Watercraft*.

Every person on board a personal watercraft (PWC) and any person towed behind a vessel *must wear* a Coast Guard-approved Type I, II, III, or V life jacket. Exceptions: a person aboard a personal watercraft or being towed behind a vessel on water skis if that person is a performer in a professional exhibition, or preparing to participate or participating in an official regatta, marine parade, tournament or exhibition. In lieu of wearing a Type I, II, III, or V Coast Guard-approved personal flotation device, any person engaged in slalom skiing on a marked course, or any person engaged in barefoot, jump, or trick water skiing may elect to wear a wetsuit designed for the activity and labeled by the manufacturer as a water ski wetsuit. A Coast Guard-approved Type I, II, III, or V life jacket must be carried in the tow vessel for each skier electing to wear a wetsuit.

Lanyard/Self-Circling Device - The law requires a person operating a personal watercraft equipped with a lanyard cutoff switch to attach the lanyard to his or her person. Operating a personal watercraft equipped with a self-circling device is prohibited if the self-circling device has been altered.

Nighttime Operation Prohibited - The law prohibits the operation of personal watercraft at any time from sunset to sunrise, even if the PWC is equipped with the proper navigational lights.

Operator Age - It is an infraction for a person under 16 years of age to operate a motorboat of more than 15 horsepower, including personal watercraft. Any person who permits a person under the age of 16 to do so is also guilty of an infraction. A person 12 - 15 may operate a motorboat of more than 15 horsepower if supervised by a person on board who is at least 18 years of age.

Reasonable and Prudent Operation-California law holds that no person shall operate any craft in a reckless or negligent manner so as to endanger the life, limb or property of any person. Some examples are:

Navigating a vessel, skis, or other devices between a towing vessel and its tow or tows.

Operating under the influence of intoxicants or narcotics.

Jumping or attempting to jump the wake of another vessel within 100 feet of the other vessel constitutes unsafe operation. Other actions which constitute unsafe operation are operating a PWC toward any person or vessel in the water and turning sharply so as to spray the person or vessel; and operating at a rate of speed and proximity to another vessel so that either operator is required to swerve at the last minute to avoid collision.

WATER-SKIING

When using a boat to tow a person on water skis or an aquaplane, there must be in the boat, in addition to the operator, one other person who can observe the person being towed. The observer must be at least 12 years of age.

Effective January 1, 2001, California law provides that any person being towed behind a vessel *must* wear a Coast Guard-approved Type I, II, III, or V life jacket. Exceptions: the law does not apply to performers engaged in professional exhibitions, official regattas, marine parades, or tournaments. Any person engaged in slalom skiing on a marked course, or barefoot, jump or trick water skiing, may instead wear a wetsuit designed for the activity and labeled by the manufacturer as a water ski wetsuit. However, for each skier who elects to wear a wetsuit, a Type I, II, III, or V life jacket still must be carried on board. Note: Inflatable personal flotation devices are not approved for use while water-skiing.

The towing of water-skiers from sunset to sunrise is prohibited by state law. Local laws may also restrict skiing at certain times during the day and in certain areas.

Water skis and aquaplanes must not be operated in a manner to endanger the safety of persons or property. Passing the towline over another vessel or skier is prohibited. Towing a skier or navigating between a vessel and its tow is prohibited. Towing a skier does not give the operator of the vessel any special privileges. The rules of the road must be observed.

Skiers being towed are considered to be persons on board for personal flotation device requirements. For more information on water-skiing, send for the free pamphlet titled "Safety Hints for Water-Skiing" from the Department of Boating and Waterways (see postcard in this booklet).

WATER-SKI FLAG

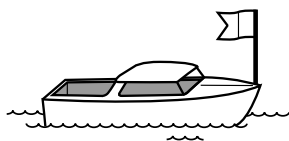


It is mandatory for the operator of a vessel involved in towing a skier to display, or cause to be displayed, a red or orange water-ski flag, to indicate:

- A downed skier
- A skier in the water preparing to ski
- A ski line extended for the vessel
- A ski in the water in the vicinity of the vessel

The flag must be no less than 12 inches on each side and be in the shape of a square or rectangle. The display of the ski flag does not in itself restrict the use of the water, but when operating in the area, boaters should exercise caution.

DIVING



Required for use by vessels engaged in diving operations and restricted in their ability to maneuver.

ALPHA FLAG

Whenever the size of a vessel engaged in diving operations during daytime hours makes it impracticable to exhibit the daytime shapes required of a vessel restricted in its ability to maneuver, a rigid replica of the international blue-and-white code flag (Alpha) is required to be displayed. The flag must measure not less than 1 meter (3 ft. 3 in.) in height and must be visible all round the horizon.

For boats tending free-swimming divers where the diving does not interfere with the maneuverability of the boat, the alpha flag is not required and they may display the "divers down" flag.

DIVERS DOWN FLAG

State law recognizes that a red flag with a white diagonal stripe -- commonly called the divers down flag -- indicates a person engaged in diving in the immediate area. Displaying the divers down flag is not required by law and does not in itself restrict the use of the water. When operating in an area where this flag is displayed, boaters should exercise caution.



Recognized for use by persons engaged in diving.

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